

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Safra National Bank of New York 546 5th Ave, New York, NY 10036

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

For the period from February 1, 2015 through December 31, 2018, please produce:

all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, checks, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following entities:

(1) MD TRADERS LTD

Country of incorporation: BVI

Registration #: 585424

Known addresses:

Marcy Building, 2nd floor, Road Town, Tortola, BVI

EBOX MAIL SOLUTIONS 13461 NW 19TH LANE DORAL, FL 33182-0000

OCASA INC SORT SF7984 3450 NW 113 COURT DORAL, FL 331780000

To the best of our knowledge **MD TRADERS LTD** maintains or at least earlier maintained the following account in Safra National Bank of New York: **6224237**.

(2) UNDERWATER MANPOWER SOCIETY LTD

Country of incorporation: Bahamas

Registration #: 171551 B

Known addresses:

Suite 200B, 2nd Floor Centre of Commerce, One Bay Street PO Box N-3944, Nassau, Bahamas

EBOX MAIL SOLUTIONS 13461 NW 19TH LANE DORAL, FL 33182-0000

OCASA INC SORT #SF7986 3450 NW 113 COURT DORAL, FL 331780000

To the best of our knowledge **UNDERWATER MANPOWER SOCIETY LTD** maintains or at least earlier maintained the following account in Safra National Bank of New York: **17249371**.

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.
2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."
3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.
4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City
Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code

Receiving Institution Address State Code

Intermediate 1 Name

Intermediate 1 Account ID

Intermediate 1 Address Street 1

Intermediate 1 Address Street 2

Intermediate 1 Address Street 3

Intermediate 1 Address City

Intermediate 1 Address Postal Code

Intermediate 1 Address Country Code

Intermediate 1 Address State Code

Intermediate 2 Name

Intermediate 2 Account ID

Intermediate 2 Address Street 1

Intermediate 2 Address Street 2

Intermediate 2 Address Street 3

Intermediate 2 Address City

Intermediate 2 Address Postal Code

Intermediate 2 Address Country Code

Intermediate 2 Address State Code

Intermediate 3 Name

Intermediate 3 Account ID

Intermediate 3 Address Street 1

Intermediate 3 Address Street 2

Intermediate 3 Address Street 3

Intermediate 3 Address City

Intermediate 3 Address Postal Code

Intermediate 3 Address Country Code

Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter

f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: M.Y. Safra Bank, FSB 499 Park Avenue, New York, NY 10022

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
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(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
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(3) Quashing or Modifying a Subpoena.

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- (i) fails to allow a reasonable time to comply;
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- (i) expressly make the claim; and
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(1) MD TRADERS LTD

Country of incorporation: BVI

Registration #: 585424

Known addresses:

Marcy Building, 2nd floor, Road Town, Tortola, BVI

EBOX MAIL SOLUTIONS 13461 NW 19TH LANE DORAL, FL 33182-0000

OCASA INC SORT SF7984 3450 NW 113 COURT DORAL, FL 331780000

To the best of our knowledge **MD TRADERS LTD** maintains or at least earlier maintained the following account in Safra National Bank of New York: **6224237**.

(2) UNDERWATER MANPOWER SOCIETY LTD

Country of incorporation: Bahamas

Registration #: 171551 B

Known addresses:

Suite 200B, 2nd Floor Centre of Commerce, One Bay Street PO Box N-3944, Nassau, Bahamas

EBOX MAIL SOLUTIONS 13461 NW 19TH LANE DORAL, FL 33182-0000

OCASA INC SORT #SF7986 3450 NW 113 COURT DORAL, FL 331780000

To the best of our knowledge **UNDERWATER MANPOWER SOCIETY LTD** maintains or at least earlier maintained the following account in Safra National Bank of New York: **17249371**.

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

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CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City
Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code

Receiving Institution Address State Code

Intermediate 1 Name

Intermediate 1 Account ID

Intermediate 1 Address Street 1

Intermediate 1 Address Street 2

Intermediate 1 Address Street 3

Intermediate 1 Address City

Intermediate 1 Address Postal Code

Intermediate 1 Address Country Code

Intermediate 1 Address State Code

Intermediate 2 Name

Intermediate 2 Account ID

Intermediate 2 Address Street 1

Intermediate 2 Address Street 2

Intermediate 2 Address Street 3

Intermediate 2 Address City

Intermediate 2 Address Postal Code

Intermediate 2 Address Country Code

Intermediate 2 Address State Code

Intermediate 3 Name

Intermediate 3 Account ID

Intermediate 3 Address Street 1

Intermediate 3 Address Street 2

Intermediate 3 Address Street 3

Intermediate 3 Address City

Intermediate 3 Address Postal Code

Intermediate 3 Address Country Code

Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter

f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: BARCLAYS BANK, PLC, 745 SEVENTH AVENUE 16TH FLOOR, NEW YORK, NY 10019 UNITED STATES

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date:

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. For the period from February 1, 2015 through December 31, 2018, please produce: all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following persons:

(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.

2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."

3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.

4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: BNP PARIBAS INC., THE EQUITABLE TOWER, 787 7TH AVE, NEW YORK, NY 10019

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. For the period from February 1, 2015 through December 31, 2018, please produce: all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following persons:

(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.

2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."

3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.

4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

)
)
) Civil Action No. 19-MISC. 184
)
)
)

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: BANK OF AMERICA, N.A., 115 W 42ND STREET, NEW YORK, NY 10036

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date:

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. For the period from February 1, 2015 through December 31, 2018, please produce: all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following persons:

(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.

2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."

3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.

4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: CAPITAL ONE BANK (USA) N.A. 845 3rd Ave, New York, NY 10022

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. For the period from February 1, 2015 through December 31, 2018, please produce: all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following persons:

(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.

2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."

3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.

4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: CAPITAL ONE, N.A., 845 3rd Ave, New York, NY 10022

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date:

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
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(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

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(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

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“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

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CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: CITIBANK N.A., 399 PARK AVENUE, NEW YORK, NY 10022

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. For the period from February 1, 2015 through December 31, 2018, please produce: all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following persons:

(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.

2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."

3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.

4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: COMMERZBANK, N.A., 225 LIBERTY STREET, 34TH FLOOR, NEW YORK, NY 10281 –1050

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
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(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

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- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

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(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

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CINQ (Transaction Internal Reference) ID

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Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: DEUTSCHE BANK, 60 WALL STREET, NY, NY 10005

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. For the period from February 1, 2015 through December 31, 2018, please produce: all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following persons:

(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.

2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."

3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.

4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: DEUTSCHE BANK TRUST COMPANY AMERICAS, 60 WALL STREET, NY, NY 10005

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

 _____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. For the period from February 1, 2015 through December 31, 2018, please produce: all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following persons:

(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.

2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."

3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.

4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: HSBC BANK USA, N.A., 452 FIFTH AVE, 4TH FLOOR, NEW YORK NY 10018

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. For the period from February 1, 2015 through December 31, 2018, please produce: all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following persons:

(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.
2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."
3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.
4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: JP MORGAN CHASE, N.A 270 PARK AVENUE, 31ST FLOOR, NEW YORK, NY 10017

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. For the period from February 1, 2015 through December 31, 2018, please produce: all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following persons:

(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.
2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."
3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.
4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: THE BANK OF NEW YORK MELLON, 240 GREENWICH STREET, NEW YORK, NY 10286

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

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Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.
2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."
3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.
4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: PNC BANK, N.A., 200 BROADWAY FULTON BLDG NEW YORK, NY 10038

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. For the period from February 1, 2015 through December 31, 2018, please produce: all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following persons:

(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.
2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."
3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.
4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: STANDARD CHARTERED BANK, 1095 6TH AVE #37, NEW YORK, NY 10036

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

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- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

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(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

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(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.
2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."
3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.
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TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: UBS A.G., 1285 AVENUE OF THE AMERICAS, NEW YORK, NY 10019 UNITED STATES

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. For the period from February 1, 2015 through December 31, 2018, please produce: all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following persons:

(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.
2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."
3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.
4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN RE THE APPLICATION OF PUBLIC JOINT-STOCK COMPANY
 ALROSA'S REQUEST FOR EX PARTE DISCOVERY PURSUANT TO 28
 U.S.C § 1782

Plaintiff

v.

Defendant

Civil Action No. 19-MISC. 184

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: WELLS FARGO, N.A., 150 E. 42ND STREET, NY, NY 10017

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

Place: MARKS&SOKOLOV, LLC
 1835 MARKET STREET, STE. 1717,
 PHILADELPHIA, PA 19103

Date and Time:

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. For the period from February 1, 2015 through December 31, 2018, please produce: all wire transfers to; wire transfers from; and all documents and records including but not limited to applications to open an account, account records, monthly statements, wire transfer records, deposit or withdraw records and/or cancelled checks in the name of, or concerning, the following persons:

(1) DAVID MISHAL

Also spelled as:

“DAVID MICHAL”

“DAVID MISHAL AND/OR TZIPORA”

(2) IURII ANATOLIEVICH NEUMIN

Also spelled as:

“IURII ANATOLIEVICH NEUMIN”

“NEUMIN IURII ANATOLIEVICH”

“Yuri Neumin”

“Yuri Neuimin”

“Yurii Neumin”

“Yurii Neuimin”

(3) MD AMERICA TRADING INC

Country of incorporation: Florida, USA

Registration #: P11000061190

Known addresses:

1108 PONCE DE LEON BOULEVARD CORAL GABLES, FL 33134

815 PONCE DE LEON BLVD CORAL GABLES FL 33134-3038

INSTRUCTIONS

1. You are instructed to consecutively paginate (*i.e.*, bates label) all responsive documents produced.
2. Pursuant to the Subpoena served upon you, please produce the categories of documents identified below in the "Schedule of Documents to be Produced."
3. The attached Subpoena is continuing in nature and any additional documents shall be produced as they become available.
4. For any electronic wire information, please provide information with regard to the following:

TXN (Transaction) Date

CINQ (Transaction Internal Reference) ID

Payment Method

Base Amount

Originator Name

Originator Account ID

Originator Address Street 1

Originator Address Street 2

Originator Address Street 3

Originator Address City

Originator Address Postal Code

Originator Address Country Code

Originator Address State Code

Originator's Bank Name

Originator's Bank Account ID

Originator's Bank Address Street 1

Originator's Bank Address Street 2

Originator's Bank Address Street 3

Originator's Bank Address City

Originator's Bank Address Postal Code

Originator's Bank Address Country Code

Originator's Bank Address State Code

Beneficiary Name

Beneficiary Account ID

Beneficiary Address Street 1

Beneficiary Address Street 2

Beneficiary Address Street 3

Beneficiary Address City

Beneficiary Address Postal Code
Beneficiary Address Country Code
Beneficiary Address State Code
Beneficiary's Bank Name
Beneficiary's Bank Account ID
Beneficiary's Bank Address Street 1
Beneficiary's Bank Address Street 2
Beneficiary's Bank Address Street 3
Beneficiary's Bank Address City
Beneficiary's Bank Address Postal Code
Beneficiary's Bank Address Country Code
Beneficiary's Bank Address State Code
Sender Reference
Beneficiary Reference
OBI - Originator to Beneficiary Instructions
Sending Institution Name
Sending Institution Account ID
Sending Institution Account Type
Sending Institution Address Street 1
Sending Institution Address Street 2
Sending Institution Address Street 3
Sending Institution Address City
Sending Institution Address Postal Code
Sending Institution Address Country Code
Sending Institution Address State Code
Receiving Institution Name
Receiving Institution Account ID
Receiving Institution Account Type
Receiving Institution Address Street 1
Receiving Institution Address Street 2
Receiving Institution Address Street 3
Receiving Institution Address City
Receiving Institution Address Postal Code
Receiving Institution Address Country Code
Receiving Institution Address State Code
Intermediate 1 Name
Intermediate 1 Account ID
Intermediate 1 Address Street 1

Intermediate 1 Address Street 2
Intermediate 1 Address Street 3
Intermediate 1 Address City
Intermediate 1 Address Postal Code
Intermediate 1 Address Country Code
Intermediate 1 Address State Code
Intermediate 2 Name
Intermediate 2 Account ID
Intermediate 2 Address Street 1
Intermediate 2 Address Street 2
Intermediate 2 Address Street 3
Intermediate 2 Address City
Intermediate 2 Address Postal Code
Intermediate 2 Address Country Code
Intermediate 2 Address State Code
Intermediate 3 Name
Intermediate 3 Account ID
Intermediate 3 Address Street 1
Intermediate 3 Address Street 2
Intermediate 3 Address Street 3
Intermediate 3 Address City
Intermediate 3 Address Postal Code
Intermediate 3 Address Country Code
Intermediate 3 Address State Code

5. For any requested document which is being withheld on the basis of a claim of privilege, please identify the document, and for each such document state:

- a. Author
- b. Designated and intended recipient(s)
- c. Person(s) to whom it was circulated
- d. Date
- e. Subject matter
- f. Privilege asserted

6. If a portion of any document responsive to these requests is withheld under claim of privilege, any non-privileged portion of such document must be produced with the portion claimed to be privileged redacted.

7. If you file a timely objection to any portion of a request, definition or an instruction, provide a response to the remaining portion.

8. The attached Subpoena shall apply to all documents that you, or any of your present or former agents, attorneys, assigns, consultants, employees, and/or successors possess, control or can access in the ordinary course of business.

9. In responding to these requests, you shall produce all responsive documents in your possession, custody or control or in the possession, custody or control of your agents, employees, attorneys, accountants, representatives, or anyone acting or purporting to act on your behalf. A document shall be deemed to be within your control if you have the right to secure the document or a copy of the document from another person having possession or custody of the document.

10. If any document requested by the attached Subpoena is no longer in the possession of or subject to the control of the party upon whom this demand is made, said party shall provide a listing which identifies the present custodian of the document, including in such identification the full name, residence and business address, business affiliation and job title, and state further what and when disposition was made of said document. If all copies of the document have been destroyed, please identify the person or person authorizing the destruction of the document and specify the date of the destruction of the document.

11. In lieu of appearing in person and producing the documents as set forth in the attached subpoena, prior to the deadline you may forward a copy of all produced and responsive documents to Bruce Marks, Esq., Marks & Sokolov, LLC, 1835 Market Street, 17th Floor, Philadelphia, Pennsylvania 19103.

DEFINITIONS

1. The following definitions shall apply to this subpoena:
 - a. Document. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. The term “document” includes hardcopy and electronic information, regardless of manner of storage.
 - b. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
 - c. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).
 - d. Person. The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association.
 - e. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 - f. You. The term “you” means the recipient of this discovery request, and all persons acting on behalf of you, including but not limited to officers, agents, attorneys, employees, and representatives.
2. The following rules of construction apply to all discovery requests:
 - a. All/Any/Each. The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
 - b. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - c. Number. The use of the singular form of any word includes the plural and vice versa.
 - d. Including. The term “including” shall be deemed to be followed by the phrase “but not limited to.”